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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3RD DAY OF APRIL 1998

BEFORE :

THE HON'BLE MR.JUSTICE TIRATH S.THAKUR

WRIT PETITION No.4226/1998.

BETWEEN :-

Srinivas,
s/o Govindappa,
1st Floor, No.159,
Ganga Complex,
Sheshadripuram,
S.C.Road,
BANGALORE-20.

us ✓
...Petitioner.

(By Sri.Ravi.B.Naik, Adv.,)

A N D :

1. The State of Karnataka,
Rep.by its Secretary,
Home Department,
Vidhana Soudha,
BANGALORE.
2. The Police Commissioner,
Infantry Road,
BANGALORE.
3. The Inspector of Police,
Sheshadripuram Division,
Sheshadripuram,
BANGALORE.
4. The Asst.Commissioner of Police,
Sheshadripuram Division,
Sheshadripuram,
BANGALORE.

...Respondents.

(By Sri.N.K.Ramesh, Addl.Govt.Adv.,)

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This writ petition filed praying to direct the respondents not to insist upon the petitioner to obtain licence for the play of dart game, either under the Karnataka Police Act or under the licensing and controlling of the place of public amusements order (Bangalore City) 1989; etc.,

This writ petition coming on for hearing this day, the Court made the following order :

O R D E R

The petitioner has in this petition prayed for a mandamus directing the respondents not to insist upon his obtaining a licence for playing dart games under the Karnataka Licensing and controlling of the places of Public Amusements Order 1989. The petitioner's case is that he has arranged a premises on the first floor of Ganga Complex in Sheshadripuram at Bangalore for running what is called a 'Dart Game'. The grievance in the writ petition appears to be that the respondents are interfering with the petitioner's business and are insisting that the petitioner should close down the same as he has not obtained any licence for running any such game.

2. When this matter came up for orders initially on 7-2-1998, the 4th respondent-Assistant Commissioner of Police, Sheshadripuram, was directed to hold a preliminary enquiry and verify the nature of the games

being played and offered to the public in the premises mentioned above. Pursuant to the said direction, the Assistant Commissioner of Police conducted a preliminary enquiry which revealed that Ganga Complex is owned by one Smt.Parvathi who resides on the third floor of the complex. The report further suggested that Smt. Parvathi had not let out any portion of the said complex to any person for running any Video or Dart Games. The report thus totally belied the petitioner's version that he is running his business in the premises and the same is being interfered with by the Police on account of his failure to have obtained a proper license. When this matter appeared on 30-3-1998 again, Counsel for the petitioner insisted that the petitioner had actually secured the premises and that he shall be able to produce the requisite material to support the said claim. Today Mr Naik has filed a memo and a no objection certificate allegedly issued by Smt.G.Parvathi. The no objection certificate is dated 31-3-98 i.e., after the filing of this writ petition. All that it says is that the owner has agreed to give on lease shop No.159 on the II Main Road, IInd Cross, SC Road, Sheshadripuram. The no objection certificate does not however suggest that any document letting out the

shop has been executed between the parties or that the premises in question has been put in possession of the petitioner. The certificate/^{simply}~~similarly~~ says that the landlady has agreed to give on lease ~~that~~ shop described therein. Assuming this to be so, the same does not mean that the petitioner has already secured the possession of the shop or started his business. In the circumstances, the averment made by the petitioner in para 5 of the writ petition to the effect that the respondents are time and again interfering with the business of the petitioner and have been demanding that the petitioner should close down the business appears to be false. From the facts disclosed by the report submitted by the Assistant Commissioner as also the nature of the material produced by Mr.Naik it is evident that the petitioner did not have as on the date of the filing of the writ petition or even till today any premises in his occupation now was he actually carrying on any business in 'Dart Games' with which the Police could possible interfere. The writ petition was obviously filed on the basis of averments which are factually incorrect.

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The same is therefore dismissed with costs assessed
at Rs.2,000/-.

Sd/-
JUDGE

jm/-
Jan/-

